HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.11936 of 2000

Dated 9th day of July, 2007

Between:

Vunkavalli Satyanarayana ..
Petitioner

And

The District Collector,
West Godavari District, Eluru
and two others ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the Proceedings in S.R.No.330 of 1998 dated 24.3.1999 issued by the 2nd respondent, as arbitrary and illegal.

The petitioner asserts that on 14.5.1969, he purchased the land of an extent of Ac.8.96 cents in R.S.No.18 and Ac.8.92 cents in R.S.No.19 situated in Swarnavarigudem village, Jeellugumilli Mandal, West Godavari District from Gampala Bhulokaraju, who is a non-tribal, and since then he has been in possession and enjoyment of it. When the Special Deputy Tahasildar (Tribal Welfare), Eluru, filed a complaint under Section 3(2)(a) of the A.P. Scheduled Areas Land Transfer Regulation, 1959 as amended by Regulation 1 of 1970 (for brevity "A.P.S.A.L.T. Regulation"), the 2nd respondent-Special Deputy Collector, after examining the petitioner's evidence and records, held that the entire land is under the possession of non-tribals and there is no violation of provisions of A.P.S.A.L.T. Regulation and disallowed the claim, by his order dated 30.7.1981. Now, the grievance nurtured by the petitioner is that the Special Deputy Tahsildar, without exhausting the remedy of appeal against the order dated 30.7.1981, filed a report dated 22.6.1996 before the 2nd respondent-Special Deputy Collector, who, without having any power to review the earlier order, reopened the matter and allowed the claim passing an order of ejection on 24.3.1999 in S.R.No.330 of 1998. In pursuance of this order, the 3rd respondent, along with his staff are trying to assign the lands in question in favour of a third party.

Heard the learned counsel for both the parties and perused the material placed on record.

Following the judgment in **Chintalapati Ramalinga Raju Vs.**

District Collector, Eluru, West Godavari District[1], this Court disposed of several writ petitions holding that the authorities have no power to review the orders passed under A.P.S.A.L.T. Regulation, and allowed those writ petitions.

In the light of the view taken by this Court in the above referred judgment, this Court is of the considered opinion that the order dated 24.3.1999 under challenge is clearly without jurisdiction and is liable to be set aside.

In the result, the writ petition is allowed setting aside the order, dated 24.3.1999 in S.R.No.330 of 1998 passed by the 2nd respondent-Special Deputy Collector. No costs.

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09.07.2007

bcj

[1] 2000(4) ALD 443